

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JUAN OLAYA,

Plaintiff,

v.

Case No. 24-11064

Hon. Jonathan J.C. Grey

Mag. Judge Patricia T. Morris

M. STODDARD et al.

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION
(ECF No. 19)

On April 23, 2024, Plaintiff Juan Olaya filed this pro se civil action against Defendants M. Stoddard, T. Curst, Hernandez, Williams, and the Warden of FCI Milan. (ECF No. 1.) On May 30, 2024, all pre-trial matters in this case were referred to United States Magistrate Judge Patricia T. Morris. (ECF No. 8.) On February 10, 2025, Olaya filed a motion for default judgment as to all defendants. (ECF No. 14.)

This matter comes before the Court on Magistrate Judge Patricia T. Morris' Report and Recommendation dated March 27, 2025. (ECF No. 19.) In the Report and Recommendation, Judge Morris recommends that the Court deny Olaya's motion for default judgment because service of

process was only recently obtained and Olaya failed to receive an entry of default from the Clerk of the Court. (*Id.*) No party has filed an objection to the Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above, **IT IS ORDERED** that the Report and Recommendation dated March 27, 2025 (ECF No. 19) is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Olaya's motion for default judgment (ECF No. 14) is **DENIED**.

SO ORDERED.

s/Jonathan J.C. Grey

Jonathan J.C. Grey

United States District Judge

Date: April 16, 2025

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 16, 2025.

s/ S. Osorio
Sandra Osorio
Case Manager